



O I P E
FEB 08 2005
PATENT AND TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,690	03/03/2004	Hiroshi Kobayashi	040894-7009	2604
9629	7590	02/01/2005		
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				EXAMINER PATEL, DHIRUBHAI R
				ART UNIT 2831 PAPER NUMBER

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed 2/3/05 Attorney PJ6/MJB/DEC
Case 40894-7009
Due Date 3/1/05
Action Response to Non-Compl. Appeal
PLK BR

RECEIVED

FEB 08 2005

MORGAN, LEWIS & BOCKIUS LLP



02/07/2004 02:15 FAX 703 306 3186

USPTO

0001/001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

013105

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 01/12/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. Amendments to the specification:
<input type="checkbox"/> A. Amended paragraph(s) do not include markings.
<input type="checkbox"/> B. New paragraph(s) should not be underlined.
<input type="checkbox"/> C. Other _____ |
| <input type="checkbox"/> | 2. Abstract:
<input type="checkbox"/> A. Not presented on a separate sheet. 37 CFR 1.72.
<input type="checkbox"/> B. Other _____ |
| <input checked="" type="checkbox"/> | 3. Amendments to the drawings: <u>Drawings should say "Replacement Sheet"</u> |
| <input type="checkbox"/> | 4. Amendments to the claims:
<input type="checkbox"/> A. A complete listing of <u>all</u> of the claims is not present.
<input type="checkbox"/> B. The listing of claims does not include the text of all claims (including withdrawn claims)
<input type="checkbox"/> C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
<input type="checkbox"/> D. The claims of this amendment paper have not been presented in ascending numerical order.
<input type="checkbox"/> E. Other: _____ |

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preo/notice/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

571-272-1682
Telephone No.

Rev. 10/03